

## ADVISORY OPINION 92-011

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

December 31, 1992

Mr. David J. Wilkerson, CPA  
First Trust Center  
200 South 5th St. , Suite 201 S.  
Louisville, Kentucky 40202

Re: Advisory Opinion Request

Dear Mr. Wilkerson:

Thank you for contracting us and filing an advisory opinion request with the Registry.

A restatement of your question would be as follows:

May the Friends of David Armstrong Political Action Committee expend its funds to do a report to the community on the status of Jefferson County's financial situation and the various services provided by the Jefferson County government?

KRS 121.015(3)(c) defines a permanent committee ("PAC") as follows:

"Permanent committee" which means a group of individuals, including an association, committee or organization, other than a campaign committee, political issues committee, inaugural committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purposes political activity which may include support of or opposition to elected candidates, slates of candidates, political parties, or issues of public importance, in which functions on a regular basis throughout the year[.]

Based on this definition, the activity contemplated by your PAC is permissible political activity so long as it is carried out within the scope of the following qualifiers:

1. Your letter and question contemplates a report on activity by county government; i.e., activities involving elected county officials. This appears to be general political activity contemplated by the statute. Obviously, to constitute general political activity, the report should mention prominently several elected officials, including the county judge/executive. If the report mentions several elected officials, it will not be **candidate specific**. If the report were candidate specific, it would not constitute general political activity and would not be permissible within the confines of your question; and

2. Your report must be distributed to Jefferson County residents or residents of the Jefferson County metropolitan statistical area ("SMA").

A report which meets the above requirements would be general political activity, not political activity in support of or in opposition to an official candidate or issue on an office ballot.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Schull  
General Counsel

TES/dt